

REMARKS

I. Introduction

Reconsideration of the above-identified application is respectfully requested. Claims 1, 3 and 23 have been amended and Claim 25 added by way of this amendment. Therefore, Claims 1-19 and 23-25 are currently pending in this application.

Claims 1, 3 and 4 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,332,709, issued to Kowalski (hereinafter "Kowalski") in an Office Action dated April 22, 2003 (hereinafter "the Office Action"). Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kowalski in view of U.S. Patent No. 932,805 issued to McLaughlin (hereinafter "McLaughlin"). Claims 7 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kowalski in view of U.S. Patent No. 5,724,478, issued to Thweatt (hereinafter "Thweatt"). Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kowalski in view of U.S. Patent No. 2,297,966, issued to Luff (hereinafter "Luff"). Claims 1-24 were provisionally rejected under the judicially created doctrine of double patenting over claims 1-50 of copending Application No. 10/076,865.

II. Claim Rejections Under 35 U.S.C. § 102(b) - Kowalski

Claim 1, as well as certain claims stemming therefrom, stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kowalski. Applicant respectfully traverses the rejection of these Claims. Amended Claim 1 recites "first and second fittings integrally formed on the inlet and outlet end portions of the pipe section, the first and second fittings facing one another." Applicant respectfully submits that these elements are not taught or suggested by Kowalski. Kowalski teaches two pairs of fitting; fittings 31 and fittings 34. With regard to fittings 31, although the fittings face one another, the fittings are not *integrally* formed with the inlet and outlet end portions of the pipe section as claimed, since they are *removably* coupled to

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

the pipe section 22, 24 and 10. Moreover, the fittings 31 are integrally formed to the inlet and outlet 18 and 20 of the *tubing*, and not integrally formed with the *pipe section* as claimed by applicant.

Although fittings 34 may be interpreted as integrally formed on the inlet and outlet end portions of the pipe section assembly 10, 22, and 24, they do not face one another as claimed by applicant. Moreover, the fittings 34 are oriented to face in opposite directions, i.e. away from each other, so as to couple to objects disposed outward of the fittings 34, and thus are not "fittings facing one another" as claimed by applicant which may couple to an object disposed between the fittings 34. Further, fittings 34 do not permit "the center segment" to "be replaced with a close fit device by coupling the close fit device to the first and second fittings" as claimed by applicant.

For at least the aforementioned reasons, applicant asserts that Kowalski fails to teach or suggest each and every element as set forth in amended Claim 1. Accordingly, applicant respectfully requests that the pending rejection of Claim 1 under 35 U.S.C. § 102(b) be withdrawn. Claims 3 and 4 depend on Claim 1, therefore, for at least the reasons argued above for Claim 1, dependent Claims 3 and 4 are also allowable.

III. Claim Rejections Under 35 U.S.C. § 103(a) - Kowalski in view of McLaughlin

Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kowalski in view of McLaughlin. Applicant respectfully traverses the rejection of these claims. Claims 5 and 6 depend from Claim 1. For at least the same reasons argued above for Claim 1, applicant asserts that Kowalski or McLaughlin do not teach, individually or in combination, each and every element of Claims 5 and 6. Inasmuch as all elements of Claims 5 and 6 are not taught or suggested by Kowalski or McLaughlin, applicant submits that the rejections of Claims 5 and 6 should be withdrawn.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

IV. Claim Rejections Under 35 U.S.C. § 103(a) - Kowalski in view of Thweatt

Claims 7 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kowalski in view of Thweatt. Applicant respectfully traverses the rejection of these claims. Claim 7 depends from Claim 1. For at least the same reasons argued above for Claim 1, applicant asserts that Kowalski or Thweatt do not teach, individually or in combination, each and every element of Claim 7. Inasmuch as all elements of Claim 7 are not taught or suggested by Kowalski or Thweatt, applicant submits that the rejections of Claim 7 should be withdrawn.

With regard to Claim 23, amended Claim 23 recites "a pipe section having a center segment integrally formed with inlet and outlet end portions of the pipe section, each of the end portions carrying a first close fit fitting integrally formed with the end portion, wherein the first close fit fittings face one another." Applicant respectfully submits that these elements are not taught or suggested by Kowalski or Thweatt, either in combination or individually. Kowalski teaches two pairs of fitting; fittings 31 and fittings 34. With regard to fittings 31, although the fittings face one another, the fittings are not integrally formed with the inlet and outlet end portions of the pipe section as claimed, since the fittings are only removably coupled to the pipe section 22, 24 and 10. Moreover, the fittings 31 are integrally formed to the inlet and outlet 18 and 20 of the *tubing*, and not integrally formed with the *pipe section* as claimed by applicant.

With reference now to fittings 34, although fittings 34 are integrally formed to the center segment, they do not face one another as claimed by applicant. Further, fittings 34 do not permit "the center segment" to "be replaced with a close fit device by coupling the close fit device to the first and second fittings" as claimed by applicant.

Like Kowalski, Thweatt likewise fails to teach "a pipe section having a center segment integrally formed with inlet and outlet end portions of the pipe section, each of the end portions carrying a first close fit fitting integrally formed with the end portion, *wherein the first close fit*

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

fittings face one another." [emphasis added] In contrast to applicant's embodiment of Claim 23, Thweatt teaches an elongated heat conductive assembly for heating water having fittings which face away from each other, or alternately, face in the same direction as one another.

In conclusion, Kowalski and Thweatt, individually or in combination, fail to teach or suggest each and every element as set forth in amended Claim 23. Accordingly, applicant respectfully requests that the pending rejection of Claim 23 under 35 U.S.C. § 103(a) be withdrawn.

V. Claim Rejections Under 35 U.S.C. § 103(a) - Kowalski in view of Luff

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kowalski in view of Luff. Applicant respectfully traverses the rejection of Claims 8 and 9. Claims 8 and 9 depend from Claim 1. For at least the same reasons argued above for Claim 1, applicant asserts that Kowalski or Luff do not teach, individually or in combination, each and every element of Claims 8 and 9. Inasmuch as all elements of Claims 8 and 9 are not taught or suggested by Kowalski or Luff, applicant submits that the rejections of Claims 8 and 9 should be withdrawn.

VI. Judicially Created Double Patenting Rejection

Claims 1-24 were provisionally rejected under the judicially created doctrine of double patenting over Claims 1-50 of copending Application No. 10/076,865. According to M.P.E.P. § 804, the "provisional" double patenting rejection should continue to be made by the Examiner in each application as long as there are conflicting claims in more than one application unless the "provisional" double patenting rejection is the only objection remaining in one of the applications. M.P.E.P. § 804(I)(B) (8th Ed., Aug. 2001). If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the Examiner should then withdrawal the double patenting rejection and permit the application to issue as a

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

patent. *Id.* at 800-19. Since, for the aforementioned reasons, Claims 1-19 and 23-25 are allowable over the prior art, the claim rejections of Claims 1-19 and 23-25 under 35 U.S.C. § 102(b) and 103(a) are required to be withdrawn, the "provisional" double patenting rejection in the present application is the only rejection remaining. Therefore, applicant respectfully requests withdrawal of the "provisional" double patenting rejection and permit the present application to pass on to issuance.

VII. New Claim 25

New Claim 25 has been added to further point out and distinctly claim the novel aspects of the embodiments of the present invention. Applicant submits that the prior art, alone or in combination, does not teach or suggest the present invention as recited in Claim 25 for reasons in addition to the reasons argued above for the independent claims. For example, none of the cited and applied references teach a fitting and pipe section assembly including the elements of "first and second fittings each include[ing] an engagement surface adapted to couple to a close fit device, wherein when the center segment is coupled to the tubing, the engagement surfaces are disengaged."

For instance, Kowalski teaches two pairs of fittings 31 and 34, both pairs of fittings having engagement surfaces which are engaged by a fitting when the center segment is coupled to the tubing, in stark contrast to Claim 25. Therefore, applicant submits Claim 25 is in condition for allowance.

CONCLUSION

In view of the foregoing amendments and remarks above, applicant respectfully submits that the present application is in condition for allowance. Consequently, early and favorable action allowing these claims and passing this application to issue is respectfully solicited. If any

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

questions remain that may be expeditiously resolved by telephone, Examiner is invited to contact the applicant's undersigned attorney at the number below.

Respectfully submitted,

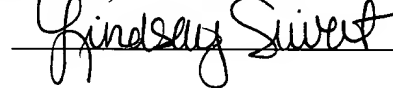
CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Brian D. Krell
Registration No. 51,899
Direct Dial No. 206.695.1638

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: 7/22/03



BDK:lls

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100